

SHER TREMONTE LLP

July 21, 2021

**VIA ECF**

Hon. Paul A. Engelmayer  
United States District Court  
Southern District of New York  
40 Foley Square, Room 2201  
New York, New York 10007

**Re: *Taboola, Inc. v. Ezoic Inc. and Dwayne Lafleur***  
Case No. 17-CV-9909 (PAE)

Dear Judge Engelmayer:

We represent Plaintiff Taboola, Inc. (“Taboola”) in the above-referenced matter. We write to request the limited sealing of certain Taboola documents filed as exhibits to Taboola’s motion for summary judgment. The Court has already permitted the requested sealing or redaction of these same documents when they were filed as part of Defendants’ summary judgment motion. *See* Dkt. #155. These Taboola documents are:

- 1) Taboola’s Publisher Agreements, with redactions only to the publishers’ revenue splits and term durations (Arthur Declaration, Dkt. #162, Exhibits 1, 4, 6, 8, 10, 12); and
- 2) sealed revenue spreadsheets showing the precise revenue amounts earned by Taboola and various publishers (Arthur Declaration, Dkt. #162, Exhibits 2, 3, 5, 7, 9, 11, 13).

As before, Taboola respectfully submits that these limited restrictions, which are intended to protect confidential and commercially sensitive financial information about Taboola and its publishers, are warranted and do not unduly impede the public’s ability to access relevant information about this case. *See, e.g., Tyson Foods, Inc. v. Keystone Foods Holdings, Ltd.*, No. 1:19-CV-010125 (ALC), 2020 WL 5819864, at \*2 (S.D.N.Y. Sept. 30, 2020) (recognizing non-public “revenue information, pricing information, and the like” as categories of commonly sealed documents that are “sensitive and potentially damaging if shared with competitors”); *Hypnotic Hats, Ltd. v. Wintermantel Enterprises, LLC*, 335 F.Supp.3d 566, 600 (S.D.N.Y. Sept. 28, 2018) (same).

Taboola has also filed Defendants’ produced documents and deposition transcripts that were designated “Confidential” under seal in accordance with the terms of this case’s Stipulated Confidentiality Order (Dkt. #93), in order to give Defendants an opportunity to seek the Court’s permission to keep any such documents sealed. We’ve also made redactions in our Response to Defendants’ Statement of Material Facts that track those previously approved by the Court at

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Defendants' request. *See* Dkt. ##150, 156. Taboola takes no position on whether any of Defendants' documents should remain sealed.

Respectfully submitted,

By: /s/ Mark Cuccaro

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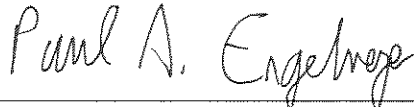
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*Attorneys for Plaintiff Taboola, Inc.*

Granted as to the sealing of the Taboola documents. Defendants are directed to file a letter requesting the Court's leave to maintain under seal, or to redact, their "Confidential" documents filed by Taboola. This letter is due by July 28, 2021. SO ORDERED.



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PAUL A. ENGELMAYER

United States District Judge

7/21/2021